

IN THE DISTRICT COURT OF THE UNITED STATES
FOR THE MIDDLE DISTRICT OF ALABAMA
NORTHERN DIVISION

UNITED STATES OF AMERICA)
) CR. NO. 2:05cr268-A
 v.)
)
 CRYSTAL DENISE PHILLIPS)

**UNITED STATES' MOTION TO FILE ITS RESPONSE TO DEFENDANT'S
MOTION TO SUPPRESS STATEMENTS OUT OF TIME**

Comes now the United States of America, by and through Leura G. Canary, United States Attorney for the Middle District of Alabama, and as grounds for the above named motion, states as follows:

The response is being filed late because the Government had reason to believe (and still has reason to believe) that Ms. Phillips may not be pressing her motion. The AUSA spoke to defense counsel on Tuesday, January 31, 2006, concerning the status, and was advised that defense counsel was having some difficulty in contacting his client. The AUSA left that day for the Department of Justice's health care fraud coordinators' conference in South Carolina which lasted through the end of the week. On Monday, February 6, 2006, the AUSA again spoke with defense counsel who still was not sure as to his client's intentions. Therefore, the Government would request that, if the hearing goes forward, the Court consider the Government's written response. Defense counsel has advised that he has no objection to this request.

Respectfully submitted this 7th day of February, 2006.

LEURA G. CANARY
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/s/Andrew O. Schiff
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CERTIFICATE OF SERVICE

I hereby certify that on February 7, 2006, I electronically filed the foregoing with the Clerk of the Court using the CM/ECF system which will send notification of such filing to the following: Stephen Glassroth, Esquire.

Respectfully submitted,

/s/Andrew O. Schiff
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